

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4293 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NUTAN BHARATI THRO' SANCHALAK

Versus

DISTRICT PANCHAYAT

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Appearance:

MR JD AJMERA for Petitioner

MRS VK PAREKH for Respondent No. 1

MR MH RATHOD for Respondent No. 2

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 13/11/97

ORAL JUDGEMENT

At the request of the learned advocate Mr. Ajmera appearing for the petitioner and Mr. Rathod appearing for the respondent No.2, this petition is taken up for final hearing today. The respondent No.2 is present in this court.

This petition is directed against communication dated 12th June, 1997, issued by the respondent No.1 intimating the petitioner-Institution not to relieve the respondent No.2 from service unless the resignation tendered by the respondent No.2 were accepted by the Director, Social Welfare Department, Gandhinagar. Today, at the time of hearing, Mr. Ajmera has placed on record a copy of an affidavit made by the respondent No.2 and submitted to the respondent No.1. In the said affidavit, the respondent No.2 has stated that he desires to be relieved from the service of the petitioner-Institution. The respondent No.2, who is present in person, agrees that he has filed such an affidavit before the respondent No.1. He also states before the court that he does not desire to continue in service of the petitioner-Institution. In view of the statement made by the respondent No.2, and his willingness to be relieved from the service of the petitioner-Institution, the cause of action does not survive. The impugned communication at Annexure-C to the petition, therefore, becomes superfluous. In view of the statement made by the respondent No.2, this petition does not survive and is disposed of accordingly. Mr. Ajmera, however, states that the petitioner-Institution shall pay to the respondent No.2 arrears of salary for the period for which he had served, within a period of three weeks from today.

Petition is disposed of accordingly. Rule is discharged. There shall be no order as to costs.

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JOSHI